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9 UNITED STATES DISTRICT COURT
10 WESTERN DISTRICT OF WASHINGTON
11 AT SEATTLE

12 WEIHUA LIU,

13 Plaintiff,

14 v.

15 AMAZON.COM, INC., a Delaware Corporation,

16 Defendant.

17 No.

18 PLAINTIFF'S COMPLAINT FOR
19 DAMAGES

20 **JURY TRIAL REQUESTED**

I. NATURE OF THE ACTION

1. This is an action under the Family Medical Leave Act, 29 USC § 2611 *et seq.* (“FMLA”), Washington’s Family Leave Act, RCW 49.78 *et seq.* (“FLA”), the Americans with Disabilities Act, 42 USC § 12101 *et seq.* (“ADA”), and the Washington Law Against Discrimination, RCW 49.60 *et seq.* (“WLAD”) to correct unlawful employment practices by Defendant Amazon.com, Inc. and to provide appropriate relief to Plaintiff Weihua Liu, an employee who was adversely affected by such practices. These laws provide relief against the deprivation and interference with rights entitled under the FMLA, FLA, ADA, and WLAD, and relief against discrimination and retaliation in employment on the basis of disability.

2. Plaintiff seeks monetary and injunctive relief, including pecuniary and non-pecuniary damages and punitive damages to the fullest extent allowed by law. Plaintiff has exhausted her administrative remedies and has received a Right to Sue from the Equal Employment Opportunity Commission (“EEOC”).

II. JURISDICTION, PARTIES AND VENUE

3. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. § 1331 since Plaintiffs allege claims that comprise a federal question.

4. This Court has jurisdiction over Plaintiff's related state claims pursuant to 28
U.S.C. § 1367.

5. Venue of this Court is invoked under 28 U.S.C. § 1391.

6. At all relevant times, Defendant Amazon.com, Inc. (“Amazon”) has previously been an employer engaged in an industry affecting commerce within the relevant statutes.

7. Defendant Amazon employed Plaintiff Weihua Liu for the requisite amount of time under the FMLA and FLA.

1 8. The practices alleged to be unlawful and the events or omissions giving rise to
 2 Plaintiff's claims occurred within the jurisdiction of the Federal District Court for the Western
 3 District of Washington at Seattle.

4 9. Plaintiff received a right-to-sue letter from the Equal Employment Opportunity
 5 Commission ("EEOC") and therefore has exhausted the administrative procedure set out in the
 6 relevant federal statutes.

7 10. At all relevant times, Plaintiff was a resident of the Western District of
 8 Washington.

9 11. At all relevant times, Defendant Amazon was a Delaware corporation doing
 10 business in the State of Washington.

11 12. At all relevant times, Defendant has employed at least fifty (50) or more
 12 employees.

13 13. All jurisdictional prerequisites have been met.

14 **III. STATEMENT OF CLAIMS**

15 14. Defendant engaged in unlawful employment practices against Plaintiff Liu
 16 while she was employed by Defendant in violation of the FMLA, FLA, ADA, and WLAD.

17 15. Plaintiff Liu suffered and continues to suffer from what constitutes a disability
 18 under state and federal law. Plaintiff Liu suffered from this disability during the course of her
 19 employment with Defendant and continues to suffer from the same. Defendant and its agents
 20 and employees perceived that Plaintiff Liu had a disability.

21 16. Plaintiff Liu was qualified for her position and able to perform the essential
 22 functions of the job, with or without reasonable accommodation.

23 17. Defendant had both actual and constructive notice of Plaintiff Liu's disability,
 24 and perceived that she had a disability.

1 18. Defendant discriminated against Plaintiff Liu on the basis of her disability
2 and/or the perception that she had a disability, ultimately discriminatorily and retaliatorily
3 terminating her employment.

4 19. Defendant failed, in good faith, to comply with the requirements of the FMLA
5 and FLA.

6 20. Plaintiff sought medical leave, which she was entitled to take under the FMLA
7 and FLA.

8 21. Defendant interfered with Plaintiff's exercise of her rights under the FMLA and
9 FLA.

10 22. Defendant retaliated against Plaintiff for engaging in protected activity and for
11 her opposition activity to the above referenced unlawful employment practices.

12 23. Defendant retaliated against Plaintiff in violation of the FMLA and FLA.

13 24. Defendant took adverse actions against Plaintiff Liu, including, but not limited
14 to, wrongfully discharging Plaintiff Liu in violation of the FMLA, FLA, ADA, and the WLAD.

15 25. The effect of the practices complained of in the above paragraphs has been to
16 deprive Plaintiff of equal employment opportunities and otherwise adversely affect her status
17 as an employee because of Plaintiff Liu's disability and/or Plaintiff Liu's opposition to
18 Defendant's unlawful activities.

19 26. Defendant failed to act to eliminate the discrimination and retaliation.

20 27. The unlawful employment practices complained of in the above paragraphs
21 were intentional.

22 28. The unlawful employment practices complained of in the above paragraphs
23 were done with malice and/or with reckless indifference to Plaintiff's rights as protected by
24 state and federal laws.

25 29. As a result of Defendant's conduct, Plaintiff has suffered and continues to suffer
26 economic losses, mental anguish, pain and suffering, and other non-pecuniary losses.

IV. PRAYER FOR RELIEF

Wherefore, Plaintiff respectfully requests that this Court enter judgment against Defendant as follows:

A. Grant a permanent injunction enjoining Defendant, its officers, successors, agents, assigns, and all persons in active concert or participation with them, from engaging in any other employment practice which discriminates on the basis of disability, retaliates on the basis of engaging in protected activity, or otherwise deprives employees of rights available under the FMLA, FLA, WLAD and ADA;

B. Order Defendant to institute and carry out policies, practices, and programs which provide equal employment opportunities for all employees, and which eradicate the effects of its past and present unlawful employment practices;

C. Order Defendant to make Plaintiff whole by providing appropriate back pay with prejudgment interest, in amounts to be determined at trial, and other affirmative relief necessary to eradicate the effects of its unlawful employment practices;

D. Order Defendant to make Plaintiff whole by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in the above paragraphs, including out-of-pocket expenses, in an amount to be determined at trial including, but not limited to the damages provided for by RCW 49.48 *et. seq.* and RCW 49.52 *et seq.*

E. Order Defendant to pay Plaintiff liquidated damages for its failure to comply with the FMLA and FLA in amounts to be determined at trial.

F. Order Defendant to make Plaintiff whole by providing compensation for past and future non-pecuniary losses resulting from the unlawful practices complained of in the above paragraphs, including without limitation, emotional pain, suffering, humiliation, distress, and loss of enjoyment of life, in an amount to be determined at trial;

G. Order Defendant to pay punitive damages to the extent allowed by law;

H. Order Defendant to pay Plaintiff for any and all tax consequences associated with the damages and cost award, including but not limited to attorneys' fees;

I. Award Plaintiff the costs of this action, including attorneys' fees, expert fees, and all other costs to the fullest extent allowed by law;

J. Award pre-judgment interest and post-judgment interest; and

K. Grant any additional or further relief as provided by law, which this Court finds appropriate, equitable, and/or just.

DATED this 9th day of February, 2012.

THE BLANKENSHIP LAW FIRM, P.S.

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